IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR.

S.B. CIVIL SECOND APPEAL NO.294/2005
Smt. Hansa Devi & Ors. Vs. Smt. Nirmala Devi & Ors.

29.10.2007.

HON'BLE MR. JUSTICE DALIP SINGH

Shri B.D.Verma }
Shri Subhash Bisawa} for the appellant.
Shri Sumit Awasthi, for the respondent.

Learned counsel for the appellant submits that the appellant does not press this appeal on merits and some reasonable time may be allowed to the appellant to vacate the premises. Learned counsel for the respondent submits that the suit was filed as early in the year 1981, 26 years have lapsed since then. However, he submits that the respondent shall not execute the decree till 30.6.2008 on the conditions that the appellant submits an undertaking before the learned trial court within four weeks to that effect.

In view of the above, this appeal is dismissed. It is however directed that in case the appellants submits an undertaking before the the learned trial court within four weeks from today that they would handover the vacant and peaceful possession of the premises in dispute to the decree holder plaintiff landlord on or before 30.6.2008, the respondent plaintiff would not execute the decree till then. The appellants shall also undertake that they would not assign, sub-let or part with the possession of the premises in dispute or create any third party interest in the premises. The appellants shall also pay all the arrears of rent upto 31.10.2007 as per the decree within the aforesaid period of four weeks or deposit the same before the learned trial court, and continue to deposit/pay the rent month by month by the 15th of the next succeeding month thereafter. It is however

made clear that in case any of the above conditions are not fulfilled as aforesaid the landlord decree-holder would be entitled to execute the decree forthwith.

The second appeal as well as the stasy application are dismissed subject to the above.

(DALIP SINGH),J.

Ramchandrkhatri,PS